

REMARKS

Applicant has carefully reviewed the Office Action dated June 22, 2004, and appreciates the Examiner's comments therein. In light of the foregoing claim amendments and the following remarks, Applicant respectfully requests reconsideration of the pending claims.

In the Action the Examiner rejects claims 1-6, 9-16, 19, and 20 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,082,757 to Lin. Lin generally teaches a folding collapsible fishing cart formed from a U-shaped base frame 11 and a U-shaped back frame 12 pivotally attached to the base frame. The cart also includes a transverse wheel holder frame tube 17, welded to the base frame 11, having two wheels 18 mounted on two opposite ends of the transverse wheel holder frame tube 17. These wheels "make the folding collapsible fishing cart easy to move." *Col. 2, ll. 28-29*. The base frame 11 also includes two foot members 101, a stretcher 121, a plurality of downward lugs 111, and two upright stops 131. The back frame 12 comprises two transverse frame bars 112 disposed at different elevations. One of transverse frame bars 112 include barrels 122 welded to the bar, while the other frame bar 112 includes receptacles 132 welded to it.

In stark contrast, Applicant's claims 1 and 6 require a "base defining a plane including a brace adapted to secure said base to an auxiliary structure during use, said brace positioned in said plane." Claim 16 further requires that the brace is, "adapted for securing said base around a pedestal of a seat on said boat" and "said first and second generally opposed members, and said at least one transverse member substantially contact a floor of said boat when said collapsible fishing rod holder is in said operational position." Applicant also amends claim 4 to further define the configuration of the brace. Applicant derives support for these amendments from the Specification and the Figures.

To the extent that the Examiner argues that Lin discloses a base 11 and the base defines a plane, nowhere in the figures or written description does Lin describe or suggest

a “base defining a plane including a brace adapted to secure said base to an auxiliary structure during use, said brace positioned in said plane.” Accordingly, Applicant respectfully submits that Lin does not anticipate.

By their dependence upon now allowable independent claims 1, 6, and 16, Applicant submits the patentability of claims 2-5, 7-15, and 17-20. Additionally, with specific reference to claims 12-15, nowhere does Lin disclose Applicant’s configuration of fishing rod receptacle. Contrary to the Examiner’s argument in the Action, nowhere does Lin disclose a fishing rod receptacle having a channel. However, even if one were to accept the Examiner’s argument that the receptacles 132, barrels 122, and the space between the two constitutes a “fishing rod receptacle,” Applicant’s claim 13 requires that the “fishing rod receptacle adjustably attaches to said transverse support via a fastener extending through said channel.” In the Action, the Examiner asserts that the transverse frame bars 112 constitute a “fastener” for adjustably attaching Lin’s barrels 122 and receptacles 132. As discussed above, Lin only discloses barrels 122 and receptacles 132 that are *welded* to the transverse frame bars 112. These fixedly attached barrels 122 and receptacles 132 simply cannot “adjustably attach” to the transverse support. Furthermore, Lin makes no reference whatsoever to a fastener extending *through the channel* of a fishing rod receptacle. Since Lin does not disclose a fishing rod receptacle with a channel and makes no mention of a fastener, Lin does not anticipate claims 12 and 13.

Additionally, with regard to Applicant’s claim 14 which requires that “said fastener is a bolt and said transverse support includes at least one aperture for receiving said bolt,” nowhere does Lin teach or suggest such an arrangement. As previously noted, Lin makes absolutely no reference to a fastener for adjustably attaching a fishing rod receptacle to a transverse support.

Furthermore, Applicant’s claim 15 requires that the “fishing rod receptacle adjustably attaches to said transverse support allowing for multiple axis adjustability of said

receptacle.” Contrary to the Examiner’s assertion in the Action, the configuration of *welded* barrels 122 and receptacles 132 taught by Lin does not allow for multiple axis adjustability of the fishing receptacle.

Next, the Examiner rejects claims 7, 8, 17, and 18 under 35 U.S.C. §103(a) as being unpatentable over Lin in view of U.S. Patent No. 6,341,443 to Watford et al. Since Lin does not describe or suggest a fishing accessory apparatus having a brace, as claimed, Applicant respectfully submits that the combination of Lin and Watford does not render claims 7, 8, 17, and 18 obvious. Additionally, the Examiner cites no evidence illustrating a suggestion or motivation for combining the Lin and Watford patents. In *Col. 1, ll. 31-39* Watford states that, “[i]n many prior art devices, the fishing rod is clamped into the support so that removal of the rod upon a strike is difficult. . .[s]uch constructions are cumbersome during use, which is undesirable. Therefore, an improved support and signaling device for use during fishing is thus desired.” As previously discussed, the Lin patent teaches cylindrical barrels 122 and receptacles 132. This configuration enables a user to insert fishing rods through the cylindrical barrels 122 and receptacles 132 for transporting. However, with reference to Figure 9 of the Lin patent, the cylindrical barrels 122 prevent removal of a fishing rod bearing a fishing reel. If a user wishes to place a rod bearing a reel into the cylindrical barrels 122 and receptacles 132, the user would have to remove the reel, insert the rod, reattach the reel to the rod, and feed the fishing line through the eyelets of the rod. Additionally, a user would not be able to cast the line since the fishing rod bearing the reel would be captured between the cylindrical barrels 122 and receptacles 132. Since the Watford patent specifically relates to a fishing stand having an alarm for use when fishing, thereby attempting to overcome the cumbersome configuration of rod holder described in the Lin patent, there is no suggestion or motivation to combine these references. Accordingly, Applicant submits that claims 7, 8, 17, and 18 are not obvious.

In summary, Applicant has addressed all issues raised in the Office Action. Specifically, Applicant amends claims 1, 4, 6, and 16 and submits arguments showing that the Lin and Watford patents fail to anticipate or render obvious the claimed inventions. Accordingly, Applicant believes that all claims are now in condition for allowance and solicits a notice to this effect. If any matters require further attention, please contact the Applicant's attorney at the telephone number listed below. The Applicant does not believe any fees are due with this response. Nonetheless, the Applicant authorizes deduction of any necessary fees from Deposit Account No. 11-0978 to advance the prosecution of this matter.

Respectfully submitted,

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